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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,088	04/29/2002	Robert Asam	221414US2PCT	4451

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EXAMINER

MULL, FRED H

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 07/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089,088

Applicant(s)

ASAM, ROBERT

Examiner

Fred H. Mull

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4-11-29; 6-20; 9-13-2002; 2-5-2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to because of the informalities indicated by Form PTO 948. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

It is standard US practice to include section headings such as "Background of the Invention" and "Summary of the Invention", and "Brief Description of the Drawings" in the specification.

On page(s) 2, reference(s) is/are made to portions of the claims. It is standard US practice to write out the relevant concepts rather than refer to portions of the claims, since claims are frequently canceled and/or renumbered.

Appropriate correction is required.

Claim Objections

3. Claim(s) 16 is/are objected to under 37 CFR 1.75. The claim(s) recites the limitation "a positioning device configured to ... transmit positioning data" in line 5 and "a transmitter

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configured to transmit the positioning data” in line 8. However, from the specification it appears that only the transmitter is transmitting the data, the positioning device is only obtaining it.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 16, 20-21 and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by IDS document Busack.

In regard to claims 16, 20, Busack discloses a positioning device (column 2, lines 12-14), a transmitter (column 2, lines 14-15), a central unit (column 2, lines 17-19; 34, Fig. 1), and a calculation device/computer (column 2, lines 19-20; 36). Busack additionally discloses replicating/displaying a racetrack (column 3, lines 14-16; column 4, lines 43-44). It is inherent that the racetrack data must be stored in a memory accessible to the calculation device/computer in order for the calculation device/computer to replicate/display the racetrack.

In regard to claim 21, Busack further discloses at least one of the racecars includes at least one device configured to obtain vehicle operating data or positioning data, transmitted by its respective vehicle information device to the central unit (column 1, lines 55-59; column 3, lines, 13-23).

In regard to claims 27-30, Busack further discloses a display, providing selective information, and providing the information over the internet (column 3, lines 24-32).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Busack in view of IDS document Saller (DE 4005913 A1).

Busack discloses that the positioning and operating data will be used to provide a service over the internet (column 3, lines 24-32). Busack fails to disclose encrypting the positioning and operating data. Saller discloses encrypting data that will be used to provide a service to a subscriber in order to prevent the users from accessing that data directly and avoiding payment for subscriptions to access the data (English abstract). It would have been obvious to encrypt the positioning and operating data of Busack in order to deny access to users who would otherwise pay for access to the data, as motivated by Saller.

6. Claim 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busack in view of IDS document Martell.

In regard to claim 23 and 26, Busack fails to disclose a transmitter configured to transmit safety information to a receiver in at least one of the racecars. Martell discloses a transmitter

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broadcasting safety to receivers in racecars (abstract; Fig. 1). It would have been obvious to take advantage of the positioning and other vehicle data available to the central unit in order to identify vehicle problems as soon as possible and broadcast safety information to that driver and/or all the drivers in order to prevent accidents that could potentially injure or kill drivers or spectators (e.g. when tires fly into the crowd).

In regard to claim 23 and 26, since the positions of all the drivers are known, it would have been obvious to provide specialized indicators to them based on their positions relative to hazardous conditions.

7. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busack in view of Drane.

In regard to claim 17, Busack fails to disclose each vehicle having a transmitter with three outside receivers. Instead he teaches each vehicle having a receiver with three outside transmitters (20,22,24).

Drane discloses that both systems where the tracked vehicle contains a receiver, with outside transmitters (p. 290, section 8.2.3) and systems where the tracked vehicle contains a transmitter, with outside receivers (p. 290, section 8.2.4) are well known. Drane further discloses that infrastructure cost for each system is the same, but that the in-vehicle cost is greater for a system with a receiver in the vehicles with outside transmitters than for a transmitter in the vehicles with outside receivers (p. 295, Fig. 8.9). In other words, the total cost (infrastructure plus in-vehicle cost) is greater for the in-vehicle receiver system of Busack than if it were replaced with an in-vehicle transmitter system). Additionally, the difference in cost will

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increase as the number of vehicles using the system increases. And considering that race cars often crash and are totaled, new in-vehicle systems would need to be provided to replacement vehicles, increasing the cost differential even further.

It would have been obvious to replace the in-vehicle receiver, exterior transmitters system of Busack with an in-vehicle transmitter, exterior receivers system in order to reduce the cost of the tracking system, as motivated by Drane.

In regard to claims 18-19, Drane discloses that there can be mixed-mode systems where some vehicle receiver/external transmitters and some vehicle transmitter/external receivers combinations exist, and that some vehicles can have a combination of both systems (p. 310-311, section 8.6.1).

8. The examiner also finds the following reference(s) relevant:

English translation of JP 8-62321 A.

Applicant is encouraged to consider these documents in formulating their response (if one is required) to this action, in order to expedite prosecution of this application.

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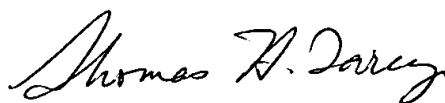
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred H. Mull whose telephone number is 703-305-1250. The examiner can normally be reached on M-F 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas H. Tarcza can be reached on 703-360-4171. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Fred H. Mull
Examiner
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FHM
July 16, 2003



THOMAS H. TARCZA
SUPERVISORY PATENT EXAMINER
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